

Applicant: Kenneth W. Whitley  
Application No.: 10/666,357  
Filing Date: September 19, 2003  
Docket No.: P-5655/1 (102-478 RCE)  
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### REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-7, 9-16 and 18-20 are in the application. Through this amendment, claim 1 has been amended.

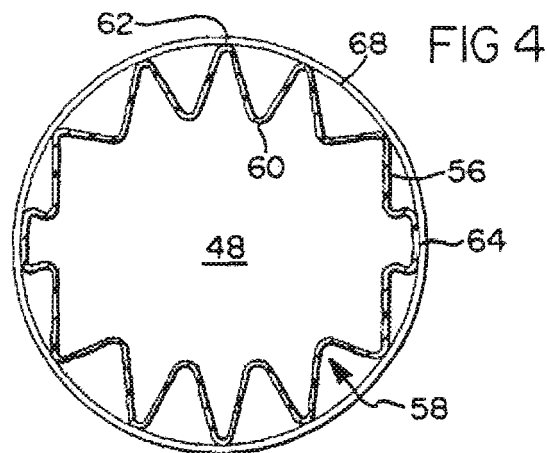
At the onset, the undersigned would like to thank the Examiner for courtesies extended during a telephone interview conducted on May 15, 2007. Arguments presented during the interview are summarized below.

In the Official Action, the Examiner rejected claims 1-5, 7, 9-15 and 18-20 under 35 U.S.C. §103(a) as being allegedly unpatentable over Smith et al. (U.S. Patent No. 4,912,048) in view of Keilman et al. (U.S. Patent No. 4,717,668) and further in view of Serkes et al. (U.S. Patent No. 4,962,033). The Examiner admitted that Smith et al. "does not expressly disclose that the ribs are integrally formed with the wall". To allegedly overcome this deficiency, the Examiner asserted that Keilman et al. discloses that "ribs are formed integrally with the remainder of the flexible cylindrical wall that defines the roller bottle." The Examiner further admitted that the hypothetical combination of Smith et al. and Keilman et al. does not "indicate that the rib includes an outer wall extending radially outwardly from the pleats in such a way that the rib outer wall is flush with the outermost portions of the pleats." The Examiner referred to elements 22, 24 in Fig. 2 and element 106 in Fig. 5 in Serkes et al. for supposedly disclosing ribs which "include an outer wall extending outwardly from the pleats so that the rib outer wall is flush with the outermost portions (40) of the first apices of the pleats. The rib outer wall does

not protrude from the first apices.” The Examiner concluded that it would have been obvious to one skilled in the art to combine Smith et al., Keilman et al. and Serkes et al. as indicated.

Smith et al. is directed to a fluted culture vessel. Several embodiments of the vessel are disclosed, including the embodiment shown in Figs. 3 and 4, which was relied upon by the Examiner in the Office Action. In this embodiment, the vessel includes a body portion 46 having a body wall 56 which defines V-shaped grooves or channels 58. In addition, upper and lower collars 66 and 68 may be provided which encircle the body wall 56. As stated at col. 4, ll. 14-19, “Collars 66, 68 can be constructed of any suitable material such as rubber, plastic, or any other elastic or pliable material. Although collars 66, 68 may be affixed to vessel 40, they are preferably removable from the vessel’s surface so that they can be used or removed at the user’s option.” It is clear that the collars 66, 68 are not integrally formed with the vessel.

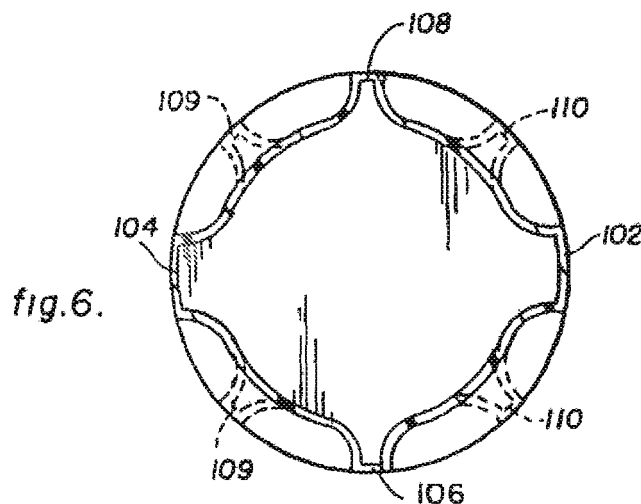
Fig. 4 of Smith et al. is reproduced hereafter:



As clearly shown in Fig. 4, ribs 64 may be provided in between the grooves 58 to facilitate the handling of the vessel. (Col. 4, ll. 3-7). As clearly shown in Fig. 4, the ribs 64 are not pleated and are located to be within the collars 66, 68.

Keilman et al. is directed to a plastic roller bottle which includes a closed body 12 having a plurality of spaced reinforcement rings 26. As shown in Fig. 2, the rings are actually protruding portions of the body 12.

Serkes et al. is directed to a roller bottle 10 which includes a corrugated, pleated section 14. Fig. 6 of Serkes et al. is reproduced hereafter:



The element 106 relied upon by the Examiner is an unpleated section of the container.

As noted by the Examiner, claim 1 is directed to a container for cell growth which includes "an elongate cylindrical wall" having "a plurality of longitudinally axial extending pleats" and "at least one circumferential rib", with "said rib being superimposed across said pleats" and "said rib outer wall being flush with outermost portions of said first apices of said

pleats such that said rib outer wall does not protrude radially outwardly from said first apices.”

As shown in Smith et al., and admitted by the Examiner, the collars 66, 68 clearly extend beyond the pleated section and the ribs 64. The rib 106 in Serkes et al. is an unpleated section of a container and is structurally equivalent to the ribs 64 in Smith et al. As shown side by side, the rib 106 in Serkes et al. is the same as the ribs 64 in Smith et al.:



As such, the combination of Serkes et al. with Smith et al. results in a hypothetical structure like the vessel already shown in Fig. 4 of Smith et al. In other words, Serkes et al. does not add anything to the disclosure of Smith et al. The hypothetical combination of Smith et al. and Serkes et al. produces a container where the collars 66, 68 of Smith et al. are formed to protrude beyond the apices of the pleats. The rib of claim 1 is superimposed across the pleats. The hypothetical combination of Smith et al., Keilman et al. and Serkes et al. produces a container having the collars 66, 68 extend peak to peak about the circumference of a container outside of the pleat apices.

Moreover, claim 3 is a dependent claim which depends from claim 1 and includes the limitation that “said cylindrical wall further includes at least one unpleated longitudinal section defining a drain panel.” Present claim 1 sets forth a structure where a rib is superimposed onto a pleated structure. Claim 3 adds the limitation that the vessel further includes an unpleated section. As set forth above, the Examiner is relying on unpleated sections of Smith et al. and

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Serkes et al. for the disclosure of a rib. It is respectfully submitted that if the cited elements of Smith et al. and Serkes et al. constitute ribs, then Smith et al. and Serkes et al. fail to disclose additional unpleated sections which act as drain panels. It is respectfully submitted that claims 1-5, 7, 9-15 and 18-20 are patentable over Smith et al., Keilman et al., and Serkes et al., each taken alone or in combination.

Claim 6 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Smith et al. in view of Keilman et al., further in view of Serkes et al., and further in view of O'Connell (U.S. Patent No. 4,763,804). The Examiner admitted that the previous combination does not "expressly disclose that the neck portion includes a locking arrangement for holding a cap in a locked open position". The Examiner relied on O'Connell for allegedly overcoming this deficiency.

O'Connell is directed to a closure. There is no discussion or disclosure in O'Connell of pleated containers and, thus, O'Connell does not overcome the deficiencies noted above of Smith et al., Keilman et al., and Serkes et al. It is respectfully submitted that claim 6, as depending from claim 1, is also patentable.

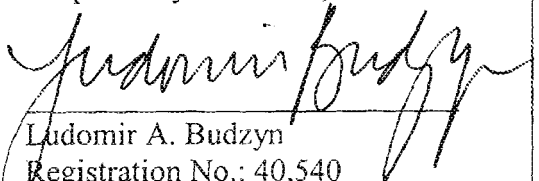
Claim 16 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Smith et al. in view of Keilman et al., further in view of Serkes et al., and further in view of Sugiura et al. (U.S. Patent No. 4,749,092). The Examiner relied on Sugiura et al. for allegedly disclosing an inwardly extending rib.

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Claim 16 depends from claim 1. Sugiura et al. does not overcome the deficiencies noted above of Smith et al., Keilman et al., and Serkes et al. It is respectfully submitted that claim 16 is also patentable.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicant's attorney at the number listed below.

Respectfully submitted,



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